



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Adult Entertainment Commission
MEETING DATE AND TIME:	Thursday, April 22, 2010 at 2:00 p.m.
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room A, Dover, Delaware 19904
MINUTES APPROVED:	July 22, 2010

MEMBERS PRESENT

Maisha Britt, Public Member
Curtis Larrimore, Public Member
John Henry, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Andrew Kerber, Deputy Attorney General
Renee' Holt, Administrative Specialist II
Michele Urbaniak, Administrative Specialist II
Kay Warren, Deputy Director, Division of Professional Regulation

ALSO PRESENT

Cheryl Precourt

MEMBERS ABSENT

James Nutter, Esq., Chairperson

CALL TO ORDER

The Commission unanimously approved Ms. Britt as Chair for the meeting in Mr. Nutter's absence. Ms. Britt called the meeting to order at 2:10 p.m.

REVIEW OF MINUTES FOR APPROVAL

The Commission reviewed the minutes from the December 1, 2009 meeting. Mr. Larrimore made a motion to approve the minutes, seconded by Mr. Henry. The motion was unanimously approved.

RULES AND REGULATIONS HEARING

Hearing began 2:11 p.m.

Mr. Kerber announced the purpose of the hearing and read the proposed regulation change for the addition of regulation 2.0 into the record. Mr. Kerber requested the Commission announce themselves for the record. The Commission and staff present announced themselves for the

record. Mr. Kerber asked if there had been any written comment received regarding the proposed regulation. Ms. Holt confirmed there has been no written public comment regarding the regulation change. Ms. Precourt addressed the Commission requesting clarification of the proposed regulation change. Mr. Kerber explained the purpose of the regulation change which was necessary due to the creation of the new permit type of Adult Oriented Retail Establishment. Ms. Precourt requested how the regulation would be enforced. Mr. Kerber stated Ms. Precourt would make a personal complaint to the Division of Professional Regulation. Mr. Kerber then explained the complaint process. Ms. Precourt stated there are some Adult Oriented establishments operating currently. Mr. Kerber confirmed Ms. Precourt had previously provided information concerning currently operating retail establishments. Ms. Precourt felt the definition of substantial portion was not appropriate and not enough to protect the children. Mr. Kerber verified the issues Ms. Precourt expressed were not concerning the regulation change before the Commission for adoption during the hearing and assured Ms. Precourt he would work with her to resolve her concerns outside of the hearing. Mr. Kerber advised the Commission regarding the purpose of the regulation presented at the hearing. Mr. Kerber stated he would follow-up with Ms. Precourt regarding the additional comments and challenges she had expressed during the hearing.

There was no further public comment. The Commission concurred with Mr. Kerber regarding the focus of the discussion. Mr. Kerber further defined the purpose of the statute for Adult Oriented Retail Establishments.

Ms. Britt called for a motion to adopt the regulation. Mr. Larrimore made a motion, seconded by Mr. Henry to adopt the regulation change as written. The motion was unanimously approved.

The hearing closed at 2:30 p.m.

UNFINISHED BUSINESS

Review of Application Forms – The Commission and Mr. Kerber reviewed the finalized drafts for the applications for Adult Entertainment Establishments and Adult Oriented Retail Establishments. Mr. Kerber commented that the applications were extremely thorough and well composed by the Division of Professional Regulation staff and covered all necessary items required. The Commission concurred. Mr. Larrimore made a motion, seconded by Mr. Henry to adopt the revised applications. The motion was unanimously approved.

NEW BUSINESS

Review of Application for Licensure - There were no applications to review.

Ms. Warren reported to the Commission that with the adoption of the regulation and application approval, it is appropriate to move forward with notification to the Legislators and known shops that possibly fit under the outlined criteria for Adult Oriented Retail Establishments. Ms. Warren requested the Commission delegate the authority to create the notification to Mr. Kerber and herself. The Commission unanimously agreed to delegate the authority to Mr. Kerber and Ms. Warren.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Ms. Holt introduced Ms. Urbaniak to the Commission as the new Board Liaison and welcomed her to the team. The Commission welcomed Ms. Urbaniak.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on July 22, 2010 at 2:00 p.m. in Conference Room A of the Cannon Building, 861 Silver Lake Blvd., Dover, DE, 19904.

ADJOURNMENT

Mr. Larrimore made a motion, seconded by Mr. Henry to adjourn. The motion unanimously carried. The meeting adjourned at 2:37 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Renee' M. Holt". The signature is written in a cursive, flowing style.

Renee' M. Holt
Administrative Specialist II